

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY LOUIS MATAYES,

Defendant.

Case No. 2:07-CR-00159-KJD-RJJ

ORDER

Before the Court is Defendant's Renewed Motion to Amend (#37). The Government responded to the Motion (#38).

Defendant asks this Court to give him credit for time served. Calculation of time served in a federal sentence is governed by 18 U.S.C. § 3585(b). United States v. Lualemaga, 280 F.3d 1260, 1265 (9th Cir. 2002). The Supreme Court has held that § 3585(b) does not authorize a district court to compute credit for time served. United States v. Peters, 470 F.3d 907, 909 (9th Cir. 2006) citing United States v. Wilson, 503 U.S. 329, 334-35 (1992). Rather, the Attorney General is authorized to make such calculations. Wilson, 503 U.S. at 334-35. Defendant's proper recourse is via administrative remedies and avenues, not through the Court.

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1 III. Conclusion

2 **IT IS HEREBY ORDERED THAT** Defendant's Renewed Motion to Amend (#37) is
3 **DENIED. IT IS FURTHER ORDERED** that Defendant's Motion to Amend (#35) is **DENIED** as
4 moot.

5 DATED this 30th day of August 2013.

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Kent J. Dawson
United States District Judge